**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

Appeal from order No. 928 of 1997

Mahadeo Pandurang Kambekar & Ors.

**..Appellants.**

V/s.

Ganpatlal B. Jain & Ors. ..Respondents.

With
Appeal From Order No. 929 of 1997.

Mahadeo Pandurang Kambekar & Ors. ..Appellants.
V/s.
Arvind Mangilal Shah & Ors. .. Respondents.

Suresh V. Rajeshwar [V.P.filed]
for applicants.

**CORAM:V.M.KHANWILKAR.J.**

**DATED:18.03.2006.**

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**P.C.:-**

. The counsel for the appellants fairly points out that main suit, which was pending before the lower court in which interlocutory order came to be passed, the subject matter of this appeal itself, has been dismissed for default. The application was filed for setting aside order of dismissal of the suit in default. Even that application has been rejected. In other words, as of now, no proceedings are pending before the lower Court. If it is so, nothing survives for consideration in the present appeal. Hence, appeal is dismissed as infructuous. The appellants are

however, at liberty to revive the present appeal from the order in the event, suit is restored to file of the Trial Court by the order of competent court.

[A.M.KHANWILKAR.J.]